



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Other |

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Planning Commission Motion No. 19031

HEARING DATE: DECEMBER 5, 2013

Date: November 26, 2013
Case No.: **2013.0789 C**
Project Address: **500-550 Indiana Street**
Zoning: UMU (Urban Mixed Use) Zoning District
Life Science and Medical Special Use District
58-X Height and Bulk District
Block/Lot: 3998/021
Project Sponsor: Gabriel Ng
1360 9th Avenue, Suite 210
San Francisco, CA 94122
Staff Contact: Brittany Bendix – (415) 575-9114
brittany.bendix@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 181(i) AND 303 OF THE PLANNING CODE TO INTENSIFY A LEGALLY NONCONFORMING SELF-STORAGE USE (D.B.A. CITY STORAGE) WITHIN THE UMU (URBAN MIXED USE) ZONING DISTRICT, THE LIFE SCIENCE AND MEDICAL SPECIAL USE DISTRICT AND A 58-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 13, 2013, Gabriel Ng (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Section(s) 181(i) and 303 to intensify a legally nonconforming self-storage use (d.b.a. City Storage) within the UMU (Urban Mixed Use) Zoning District, the Life Science and Medical Special Use District and a 58-X Height and Bulk District.

On December 5, 2013, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0789C.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 categorical exemption.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.0789C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southwest corner of the intersection of Indiana Street and Mariposa Street, Block 3998, Lot 021. The lot has approximately 285-feet of frontage on Indiana Street and 109-feet of frontage on Mariposa Street and is developed with a five-story 157,179 square-foot building that covers the entire lot, and the majority of the block. A self-storage use (d.b.a. City Storage) occupies the entire building and has a gross floor area of 147,271 square-feet. The property is located within a UMU (Urban Mixed Use) Zoning District and a 58-X height and bulk district.
3. **Surrounding Properties and Neighborhood.** The subject property is in the northeast corner of the Central Waterfront plan area, which is characterized by its mix of residential, commercial, and industrial uses. Directly north of the project site, and across Mariposa Street, is a vacant lot that will be developed as a parking lot as part of the Mission Bay Land Use Plan. This parking lot will accommodate Mission Bay's UCSF Medical Center and bio- and clean-tech offices. Directly east of the project, and across Indiana Street, are four two-story industrial warehouses. Directly south of the project, are two two-story industrial warehouses and an on/off-ramp to I-280. Directly west of the property is I-280; and beyond the interstate are a two-story hardware store and a two-story production studio.
4. **Project Description.** The project will convert 4,102 square-feet of floor area from accessory off-street parking to floor area dedicated to the principal self-storage use. This conversion results in an intensification of the legal nonconforming self-storage use by increasing the total gross floor area of the storage space to 151,256 square-feet. The project will eliminate 16 off-street parking spaces and retain 19 off-street parking spaces. The project does not include an expansion to the building volume or alterations to the building façade.
5. **Public Comment.** The Department received 71 letters of support for the proposal from the Project Sponsor. No other public comment has been received for this case.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Self-Storage Use.** Planning Code Section 181(i) enables a non-residential nonconforming use in an Urban Mixed Use District to expand in gross floor area by no more than 25 percent through Conditional Use authorization pursuant to Planning Code Section 303.

The subject property established a self-storage use in 1999 under the zoning controls for an M-1 (Light Industrial) Zoning District. At that time, the use was principally permitted per Planning Code Section 225(a) as a storage building for household goods. Upon adoption of the Eastern Neighborhood Area Plan in 2008, the zoning for the property changed to the present UMU (Urban Mixed Use) Zoning District. This established the self-service storage use as legally nonconforming in regards to Planning Code Section 843.48. Self-storage uses are not permitted in the UMU Zoning District.

The proposal seeks Conditional Use authorization to intensify the legal nonconforming use by converting 16 interior off-street parking spaces to additional self-storage units. The existing building is 157,176 square-feet, of that, approximately 147,271 square-feet is considered gross floor area dedicated to the self-storage use. Planning Code Section 181(i) enables the Planning Commission to consider an intensification of up to 25 percent of the existing gross floor area. The proposed conversion of 4,102 square-feet is under 25 percent of the existing gross floor area.

- B. **Off-Street Parking Requirements.** Planning Code Section 151.1 does not require off-street parking in a UMU (Urban Mixed Use) Zoning District.

The existing building accommodates 35 off-street parking spaces. The proposal will reduce this amount to 19 off-street parking spaces and thereby brings the property into closer conformity with the Code.

- C. **Loading Requirements.** Planning Code Section 152 requires a minimum of 3 off-street freight loading spaces for uses related to the handling of goods.

The proposal will preserve the existing four off-street freight loading spaces. All of which are independently accessible and Code complying in regards to size.

- D. **Transit Impact Development Fee.** Planning Code Section 411 applies the Transit Impact Development Fee to projects cumulatively creating more than 800 gross square feet of non-residential uses, including Retail/Entertainment, Management, Information and Professional Services and Production/Distribution/Repair.

The proposed project will add 4,102 square-feet of gross floor area to the existing self-storage use. This increase in gross floor area is subject to the Transit Impact Development Fee at the per gross square foot rate in place at time of building permit issuance.

- E. **Eastern Neighborhood Impact Fee.** Planning Code Section 423 is applicable to any development project within the UMU (Urban Mixed Use) Zoning District that results in the addition of gross square feet of non-residential space.

The proposed project will add 4,102 square-feet of gross floor area to the existing self-storage use. This increase in gross floor area is subject to Eastern Neighborhood Infrastructure Impact Fees, as outlined in Planning Code Section 423. These fees must be paid prior to the issuance of the building permit application.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

All proposed changes are within the interior of the building. The 4,102 square-foot intensification of the use is small relative to the total existing gross floor area of 147,271. This increase in storage area enables the continued viability of an existing business that became a legal nonconforming use within the past five years. The use is both necessary and desirable as the facility is at capacity and serves a growing population of businesses and residents within the City.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building will remain the same. The appearance or character of the project vicinity will not be altered. The proposed work will not affect the building envelope, yet the conversion of the interior space will alter the use of the property.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code requires no parking for the subject property. The proposal will reduce the existing 35 off-street parking spaces to 19 off-street parking spaces. The change in parking will not alter existing traffic conditions. Visits by patrons of the site are temporary in nature. Longer visits to the site for loading are accommodated by the four off-street freight loading spaces provided on site. The Planning Code requires a minimum of three off-street freight loading spaces.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

As this is an interior conversion of space, no nuisances are expected to result from the change.

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The proposal only includes alterations to the building's interior. However, the existing building has lighting on every exposed building wall and has street trees on the Mariposa Street frontage.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- 8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

CENTRAL WATERFRONT AREA PLAN

Objectives and Policies

OBJECTIVE 1.3:

INSTITUTE FLEXIBLE "LEGAL NONCONFORMING USE" PROVISIONS TO ENSURE A CONTINUED MIX OF USES IN CENTRAL WATERFRONT.

Policy 1.3.1:

Continue existing legal nonconforming rules, which permit pre-existing establishments to remain legally even if they no longer conform to new zoning provisions, as long as the use was legally established in the first place.

Policy 1.3.3:

Recognize desirable existing uses in the former industrial areas which would no longer be permitted by the new zoning, and afford them appropriate opportunities to establish a continuing legal presence.

The self-storage use began operating in 1999, prior to the adoption of the Eastern Neighborhoods Area Plan that established it as a legally nonconforming use. Self-storage facilities within the newly created UMU (Urban Mixed Use) Zoning District are not permitted per Planning Code Section 843.48. The proposal is within the existing building and will enable the business to continue their legal presence.

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

The existing self-storage facility exceeds the required amount of parking for the UMU (Urban Mixed Use) Zoning District. By converting 16 off-street parking spaces into additional storage units, the business can eliminate parking required under previous zoning controls and expand the services offered to the neighboring community of residents and businesses.

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

The subject proposal enables the existing commercial use to expand its current business activities and services.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1:

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

The current facility employs 5-6 full-time employees and will be able to continue to maintain those positions with the proposed expansion.

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposal preserves an existing use and enhances the business's ability to serve more patrons in the neighborhood and City at-large.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The project does not include residential uses. Additionally, the project will not alter the neighborhood streetscape as it maintains existing vehicular access points.

- C. That the City's supply of affordable housing be preserved and enhanced,

No housing is removed for this Project.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The project is not anticipated to change the nature of the relationship between the subject site, commuter traffic and MUNI transit services.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The proposal will protect the viability of the existing land uses by occupying an under-utilized area within the building.

- F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.0789C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 15, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19031. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 5, 2013.

Jonas P. Ionin
Commission Secretary

AYES: Commissioners Sugaya, Borden, Antonini, Wu, Fong, and Moore

NAYES:

ABSENT: Commissioner Hillis

ADOPTED: December 5, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to intensify a legally nonconforming self-storage use (d.b.a City Storage) located at 500-550 Indiana Street, Lot 021 of Assessor's Lot 3998, pursuant to Planning Code Section(s) 181(i) and 303 within the UMU (Urban Mixed Use) Zoning District and a 58-X Height and Bulk District; in general conformance with plans, dated **November 15, 2013**, and stamped "EXHIBIT B" included in the docket for Case No. **2013.0789C** and subject to conditions of approval reviewed and approved by the Commission on **December 5, 2013** under Motion No. **19031**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **December 5, 2013** under Motion No. **19031**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19031** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PARKING AND TRAFFIC

6. **Off-street Loading.** Pursuant to Planning Code Section 152.1, the Project will provide a minimum of three (3) off-street loading spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

7. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
8. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING

9. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
10. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

11. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to

deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

12. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>